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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,102	06/20/2001	Kiyoshi Matsumoto	042202	2407

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WASHINGTON, DC 20036

EXAMINER
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VAN HANDEL, MICHAEL P

ART UNIT	PAPER NUMBER
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2623

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08/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/884,102

Applicant(s)

MATSUMOTO ET AL.

Examiner

Michael Van Handel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 5/31/2007. Claims **1-10** are pending. Claim **5** is amended. The examiner hereby withdraws the objection to claim **5** in light of the amendment.

### ***Response to Arguments***

1. Applicant's arguments regarding claim **1**, filed 5/31/2007, have been fully considered, but they are not persuasive.

Regarding claim **1**, the applicant argues that the examiner is mis-characterizing the teachings of Tessier et al. The applicant specifically argues that, while Tessier et al. may teach substituting a locally generated composite video as a overlay signal for an undecoded pay TV signal, it fails to disclose or fairly suggest that the locally generated substituted overlay signal is a message corresponding to acquired information related to the selected channel that has not been contract for, as required in claim **1**. The examiner respectfully disagrees.

As noted in the Office Action mailed 3/21/2007, Alexander et al. discloses displaying an electronic program guide (EPG) with a real time television program displayed in a picture-in-picture (PIP) window 12. A translucent overlay of the PIP window 12 can display the title, channel and status of window 12 over the television program, so the viewer can still see the entire image (col. 3, l. 56-62 & col. 15, l. 9-11). Alexander et al. further discloses the use of a plurality of tuners and a user-interface for changing channels tuned by the tuners (col. 14, l. 34-

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41 & col. 31, l. 12-22). The examiner interprets such functionality as providing service during the display of the title, channel and status messages. Alexander et al. does not disclose displaying a message corresponding to the acquired information in a case where the selected channel has not been contracted for and the video does not come on the area where the received video is reduced and displayed.

As further noted in the Office Action mailed 3/21/2007, Tessier et al. discloses a system for substituting a message in place of a scrambled video signal incoming from a cable or other primary video signal source (col. 2, l. 66-68 & col. 3, l. 1-3). When an undecoded pay TV signal is tuned, the system switches to a locally generated message for display in place of the undecoded pay TV signal (col. 6, l. 17-29). The examiner interprets an undecoded pay TV signal as a TV signal that has not been contracted for. The examiner further notes that the input line 1 of Tessier et al. carries composite video input signals received from a single tuner in a CATV converter (col. 2, l. 32-35).

Tessier et al. further discloses that if no, poor, or a corrupted sync signal is detected, such as when a pay TV signal is being received, the system will switch to the locally generated overlay message (col. 3, l. 20-30, 64-67). The examiner interprets this as displaying a message corresponding to acquired information related to a selected channel that has not been contracted for. As such, the examiner maintains that the combination of Alexander et al. and Tessier et al. meets the limitation of a "message display means for creating a message corresponding to the acquired information and displaying the message in an area where the received video is reduced and displayed, wherein the message corresponding to the acquired information is displayed also in a case where service is provided, the selected channel has not been contracted for and the

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video does not come on the area where the received video is reduced and displayed,” as currently claimed.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1, 5, 6, 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al.

Referring to claim **1**, Alexander et al. discloses a digital broadcasting receiver, comprising:

- electronic program guide display means for displaying program information on a screen utilizing an on-screen display circuit on the basis of service information included in digital broadcasting (col. 3, l. 4-5, 52-62; col. 5, l. 28-37; col. 8, l. 32-35; & Fig. 1);
- received video display means for reducing received video and displaying the video, together with said program information (col. 3, l. 56-62 & Fig. 1);
- information acquisition means for acquiring information related to a selected channel (col. 3, l. 59-62 & col. 8, l. 18-35); and
- message display means for creating a message corresponding to the acquired information and displaying the message in an area where the received video is

reduced and displayed, wherein the message corresponding to the acquired information is displayed also in a case where service is provided (col. 3, l. 55-62 & col. 31, l. 12-22).

Alexander et al. further discloses the use of a plurality of tuners for receiving a plurality of television signals simultaneously (col. 14, l. 34-41 & col. 31, l. 12-22). Alexander et al. does not disclose displaying a message when the selected channel has not been contracted for and the video does not come on the area where the received video is reduced and displayed. Tessier et al. discloses a system for substituting a message in place of a scrambled video signal tuned from a cable or other primary video signal source (col. 2, l. 32-35, 66-68; & col. 3, l. 1-3). When an undecoded pay TV signal (channel that has not been contracted for) is tuned, the system switches to a locally generated message for display in place of the undecoded pay TV signal (col. 6, l. 17-29). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify one or more of the tuner outputs of Alexander et al. to include a switching system for displaying a message in place of an undecoded pay TV signal, such as that taught by Tessier et al. in order to replace a scrambled signal that has objectionable amounts of jitter (Tessier et al. col. 1, l. 23-40).

Referring to claim 5, the combination of Alexander et al. and Tessier et al. teaches the digital broadcasting receiver according to claim 1, wherein said information acquisition means acquires information indicating whether or not the selected channel corresponds to a viewing age limit (Alexander et al. col. 17, l. 13-36).

Referring to claims 6 and 10, the combination of Alexander et al. and Tessier et al. teaches the digital broadcasting receiver according to claims 1 and 5, respectively, wherein said

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message display means displays a message in a semitransparent state in an area where said received video is reduced and displayed (Alexander et al. col. 3, l. 58-62).

3. Claims 2, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al. and further in view of Breslauer et al.

Referring to claim 2, the combination of Alexander et al. and Tessier et al. teaches the digital broadcasting receiver according to claim 1. The combination of Alexander et al. and Tessier et al. does not teach that the information acquisition means acquires contract information related to a selected channel. Breslauer et al. discloses that a conditional access provider may provide a HTML format document that indicates terms of a contract that need to be accepted before access to a pay-per-view channel will be granted (col. 10, l. 26-28, 38-50). It would have been obvious to modify the combination of Alexander et al. and Tessier et al. to include a HTML format document indicating terms of a contract that need to be accepted before access to a pay-per-view channel will be granted such as that taught by Breslauer et al. in order to allow the viewer the convenience of perusing and accepting a contract from their home.

Referring to claim 7, the combination of Alexander et al., Tessier et al., and Breslauer et al. teaches the digital broadcasting receiver according to claim 2, wherein said message display means displays a message in a semitransparent state in an area where said received video is reduced and displayed (Alexander et al. col. 3, l. 4-5, 57-62 & Fig. 1).

4. Claims 3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al. and further in view of Dunn et al.

Referring to claim 3, the combination of Alexander et al. and Tessier et al. teaches the digital broadcasting receiver according to claim 1. The combination of Alexander et al. and Tessier et al. does not teach that the information acquisition means acquires preview information related to the selected channel. Dunn et al. discloses a preview browse UI of a VOD application 74 (Fig. 3). The preview browse UI facilitates the display of preview video trailers on the TV, which correspond to these programs. The UI further enables the viewer to "surf" through the various trailers at his/her own pace, and rent a program for immediate viewing (information acquisition means acquires preview information related to the selected channel)(col. 5, l. 1-15). It would have been obvious to modify the combination of Alexander et al. and Tessier et al. to include a preview browse UI such as that taught by Dunn et al. in order to allow the viewer to preview channels before purchasing them.

Referring to claim 8, the combination of Alexander et al., Tessier et al., and Dunn et al. teaches the digital broadcasting receiver according to claim 1, wherein said message display means displays a message in a semitransparent state in an area where said video is reduced and displayed (Alexander et al. col. 3, l. 4-5, 57-62 & Fig. 1).

5. Claims 4, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al. and further in view of Kohno et al.

Referring to claim 4, the combination of Alexander et al. and Tessier et al. teaches the digital broadcasting receiver according to claim 1. The combination of Alexander et al. and Tessier et al. does not teach that the information acquisition means acquires information indicating whether or not the selected channel is a radio program. Kohno et al. discloses an (on-



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air program guide) PP with a channel selecting section 83 that displays buttons for determining a channel selected at a program title displaying section 82 (col. 8, l. 20-22 & Fig. 6). Television channel determining button 83A has buttons capable of selecting a radio channel (col. 8, l. 25). When the radio channel button 83R is selected by the cursor K, the programs having no image but having audio signals are displayed at the program title displaying section 82 in the order of the channels (col. 9, l. 66-67; col. 10, l. 1-2; & Fig. 9). It would have been obvious to modify the combination of Alexander et al. and Tessier et al. to include a radio channel button such as that taught by Kohno et al. in order to present the viewer with information indicating whether a given channel is a television or radio program.

Referring to claim 9, the combination of Alexander et al., Tessier et al., and Kohno et al. teaches the digital broadcasting receiver according to claim 1, wherein said message display means displays a message in a semitransparent state in an area where said received video is reduced and displayed (col. 3, l. 4-5, 57-62 & Fig. 1).

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

  
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